

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORUM,

Plaintiff,

v.

MICHAEL CHERTOFF,

Defendant.

No. C04-02923 MJJ  
C05-0795 MJJ

**ORDER DENYING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

Before the Court is a Defendant Michael Chertoff's, Secretary of Homeland Security ("Defendant"), untimely Motion for Summary Judgment.<sup>1</sup> Also before the Court is Defendant's Ex Parte Application Deeming its Motion for Summary Judgment Timely Filed.<sup>2</sup> Pro se Plaintiff Percy Orum ("Plaintiff") opposes Defendant's Motion for Summary Judgment. For the following reasons, the Court **DENIES** Defendant's Motion for Summary Judgment as untimely and **DENIES** Defendant's Ex Parte Application.

On September 5, 2006, this Court issued the operative Pretrial Order requiring dispositive motions to be heard by June 12, 2007. However, Defendant did not file the current motion until June 12, 2007. Because Defendant has failed to offer reasons for its delay that comport with the applicable Local Rules, the Court finds its Ex Parte Application unconvincing and accordingly finds

<sup>1</sup>Docket No. 37.

<sup>2</sup>Docket No. 43.

1 its Motion for Summary Judgment untimely.

2 For the foregoing reasons, the Court **DENIES** Defendant's Motion for Summary Judgment  
3 as untimely and **DENIES** Defendant's Ex Parte Application.

4  
5 **IT IS SO ORDERED.**

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7 Dated: July 17, 2007

  
MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE